

BURNS & LEVINSON LLP

ONE CITIZENS PLAZA • SUITE 1100  
PROVIDENCE, RI 02903  
T 401.831.8330 F 401.831.8359  
BURNSLEV.COM

December 10, 2012

**VIA CM/ECF**

BENJAMIN C. CALDWELL  
401.831.8330  
BCALDWELL@BURNSLEV.COM

Honorable Lois Goodman, U.S.M.J.  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

**Re: ATS Red Light Camera Coordinated Actions**

Dear Judge Goodman:

The undersigned represents American Traffic Solutions, Inc., ATS Consolidated, Inc. and www.violationinfo.com (together “ATS” or the “ATS Defendants”) in all of the red light camera actions encompassed within Chief Judge Simandle’s December 3, 2012, Order which (a) coordinated these actions for purposes of pretrial management and discovery purposes and (b) reassigned these actions to Judge Sheridan and referred them to Your Honor.

This letter is in response to your request that ATS provide a status update for all the cases in which it is a defendant (the “ATS red light camera cases”). This letter has been circulated for comment and reviewed by Plaintiffs’ counsel and counsel for each co-defendant municipality involved in the ATS red light camera cases.

There are currently *nine (9)* ATS red light camera cases affected by Chief Judge Simandle’s Order. Below is a brief synopsis of the procedural status concerning each.

- (1) *Telliho v. East Windsor and ATS* (No. 12-4800)
- (2) *O’Brien v. Brick Township and ATS* (No. 12-5096)
- (3) *Pinto v. City of Linden* (No. 12-5463)
- (4) *Pinto v. Borough of Roselle Park* (No. 12-6436)

In these four (4) cases the Defendants have filed Answers to each Complaint. Rule 16 conferences have either not been scheduled or were adjourned pending the decision on the motions to consolidate. Now that these matters have been coordinated, the parties respectfully suggest that a joint Rule 16 conference be scheduled for these matters.

Honorable Lois Goodman, U.S.M.J.  
December 10, 2012  
Page 2

**BURNS & LEVINSON LLP**

- (5) *Conrow v. Monroe Township and ATS* (No. 12-5005)**  
**(6) *Fitting v. Borough of Glassboro and ATS* (No. 12-5007)**

Defendants filed Answers to the Complaints in both of these cases. On October 10, 2012, Magistrate Judge Schneider conducted a joint Rule 16 conference involving both of these matters (and two Redflex red light camera cases). At that conference, Magistrate Judge Schneider ordered the parties to exchange Rule 26 disclosures but stayed all discovery pending a decision on the motions to consolidate. Now that these matters have been coordinated, the parties respectfully suggest that they be included within a joint Rule 16 conference.

- (7) *Townsend v. Woodbridge Township and ATS* (No. 12-4995)**

Plaintiff recently filed a First Amended Complaint in this matter. ATS filed its Answer while Woodbridge Township filed a motion to dismiss (which is currently returnable on January 7, 2013). A motion to dismiss with the same January 7, 2013 return date has also been filed in one of the Redflex red light camera cases – *Vetere and Ajewole v. Edison Township and Redflex* (No. 12-4996). Shabel & DeNittis, P.C. represents Plaintiffs in both the *Woodbridge* and *Edison* cases. DeCotiis, Fitzpatrick & Cole, LLP, represents the respective municipalities in both of these cases. The parties request that the motion day for these motions, as well as for the motion to dismiss filed in the *Palisades Park* case (discussed below), be carried to January 22, 2013.

The Rule 16 conference in this matter was adjourned pending the decision on the motions to consolidate. The parties believe that including this matter within a joint Rule 16 conference would be beneficial.

- (8) *Darocha v. City of Linden, ATS, et. al.* (No. 12-5235)**

Plaintiff has filed a motion to remand this matter to New Jersey state court. This motion has been fully briefed and was pending before Magistrate Judge Arleo prior to the coordination. The parties view resolution of the motion to remand as a threshold matter. The Defendants believe that including this matter within a joint Rule 16 conference would be beneficial. However, the Plaintiff maintains the Court does not have jurisdiction over this matter; therefore, she does not believe this matter should be included in a joint Rule 16 conference.

- (9) *Becker v. Township of Pohatcong and ATS* (No. 12-5278)**

Plaintiff filed a First Amended Complaint in this matter on November 29, 2012. No responses to the First Amended Complaint have been filed. The First Amended Complaint included ATS as a defendant in this action for the first time. The Rule 16 conference for this matter is currently scheduled for January 29, 2013, before Your Honor. Now that this matter has been coordinated, the parties respectfully suggest that it be included in a joint Rule 16 conference that includes the other ATS red light camera cases.

Honorable Lois Goodman, U.S.M.J.  
December 10, 2012  
Page 3

**BURNS & LEVINSON** LLP

---

In addition to the above nine (9) cases, ATS has identified one additional red light camera case that should be part of this coordination:

**(10) *Husseyin v. Borough of Palisades Park and ATS* (No. 12-7396)**

This red light camera action was recently removed by ATS to the District of New Jersey on December 3, 2012 (the same day the above matters were coordinated and reassigned). The plaintiff in this case is represented by Shabel & DeNittis, P.C. (the firm which represents the plaintiffs in all the other ATS red light camera cases, except *Darocha*). This is another putative class action concerning the operation and use of red light camera monitoring systems authorized by *N.J.S.A.* 39:4-8.14. The parties respectfully suggest that this matter be a part of this coordination and be included in a joint Rule 16 conference which includes the other ATS red light camera cases.

In addition, Defendant Borough of Palisades Park, which is represented by DeCotiis, Fitzpatrick & Cole, LLP, is filing a motion to dismiss the complaint today (December 10, 2012). The return date will be January 7, 2013. The parties request that the motion day for this motion be carried to January 22, 2013, the same motion day requested for the motions to dismiss in the *Woodbridge* and *Edison* cases.

---

Finally, there is one case that is subject to Chief Judge Simandle's December 3, 2012, Order for Coordination in which ATS has not been named a defendant, but ATS is the red light camera company that contracted with the named municipality (City of Rahway):

**(11) *Baran v. City of Rahway* (No. 12-6046)**

Plaintiff filed the original Complaint in this red light camera action in state court, and the City of Rahway removed the action on September 26, 2012. Thereafter, Plaintiff filed a First Amended Complaint on October 17, 2012. Neither Plaintiff's First Amended Complaint nor the original Complaint named ATS as a defendant. On November 1, 2012, Magistrate Judge Patty Schwartz entered a stipulation granting Plaintiff leave to file a Second Amended Complaint and further providing that Rahway does not have any obligation to respond to the Original or First Amended Complaints. Plaintiff has not yet filed his Second Amended Complaint. As this matter is encompassed within Chief Judge Simandle's Order and involves a municipality that contracted with ATS, the parties respectfully suggest that it be included within a joint Rule 16 conference.

---

Honorable Lois Goodman, U.S.M.J.  
December 10, 2012  
Page 4

**BURNS & LEVINSON** LLP

In summary, by scheduling a Rule 16 conference which includes the above cases, the Court will be enabled to create a master schedule for discovery and motion practice and create a forum to address any other issues.

If Your Honor has any additional questions or comments, counsel will make themselves available at your earliest convenience.

Very truly yours,



Benjamin C. Caldwell

cc (via CM/ECF): All counsel of record.